

Remarks

Claims 1-30 and 32-38 are pending in this application. Applicant has amended claims 1, 5, 8, 12, and 27 and has added new claims 32-38. Applicant has submitted the appropriate fee for the additional claims.

Support for the subject matter of new claims 32-37 can be found in Fig. 2 and on page 11, lines 18-19. Support in the originally filed specification for the subject matter of new dependent claim 38 can be found in the specification on page 10, in the second full paragraph. Support for the amendment to claim 5 can be found on the bottom of page 13.

With respect to the rejections of claims 1-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,741,993 to Zitaner et al. in view of U.S. Patent No. 6,401,079 to Kahn et al. and in further view of U.S. Patent No. 6,249,770 to Erwin, Applicant respectfully requests reconsideration.

Each of Applicant's independent claims recites the step of "aging at least a portion of said salary data...." The prior art does not teach or suggest aging salary data. The Office Action dated August 29, 2007 concedes that the '993 patent to Zitaner, et al. does not disclose aging salary data (see page 5, first full paragraph)

With respect to the '079 patent to Kahn, et al., initially it is important to appreciate the difference between a salary scale and a salary. A salary is the amount that a particular person is actually paid. A salary scale is a range of possible salaries which may be established by a company for a particular employment position, possibly based upon the

employee's years of experience. Thus, a salary scale can be established by a company for a specific time period, e.g. it may remain in effect for one or two years. The discussion of effective date and expiration date referenced on page 5 of the August 29, 2007 Office Action specifically refers to the dates of usage for a salary scale. These dates do not refer to dates for an actual salary. This disclosure does not relate to Applicant's claimed step of "aging at least a portion of said salary data..."

The '770 patent to Erwin, et al. is not cited for teaching or suggesting Applicant's claimed aging step. Moreover, Erwin does not deal with salary data.

Turning now to the rejections under 35 U.S.C. § 112, second paragraph, Applicant respectfully requests reconsideration of claims 1-11 and 20-30. Initially, the phrase "at least one annual growth rate selected" must be considered with the entire claimed step of claim 1, for example:

"aging at least a portion of said salary data utilizing at least one annual growth rate selected at the time of generating said report for at least a portion of said stored data."

When this portion of the claims is fully considered, one of ordinary skill in the art would appreciate that the claimed aging step comprises utilizing an annual growth rate to apply to the salary data. The actual rate selected is within the discretion of the person utilizing the claimed method. The selected annual growth rate could be the inflation rate or some other rate as desired. The novelty of the Applicant's claim does not rest on the use of a specific rate, but on the aging of the data using some annual growth rate.

REQUEST FOR TELEPHONE INTERVIEW


Applicant respectfully repeats herein his request for a telephone interview with Examiner Susan Chen and her supervisor prior to the issuance of an Office Action. Applicant respectfully notes that he is available on March 4, 5, 7, 10, 11 or 12, 2008. Examiner Chen is respectfully requested to contact the undersigned to schedule a mutually convenient date for the interview.

CONCLUSION

In light of the present amendment, Applicant respectfully submits that all of the claims are now in condition for allowance.

Respectfully submitted,

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Enclosures: Request for Extension of Time
PTO-2038 Form for \$675
Applicant Initiated Interview Request Form
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